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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,933	03/24/2004	Helmuth Gabl	ANDPAT/185/US	5153
2543 7590 12/22/2006 ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			EXAMINER RODRIGUEZ, JOSEPH C	
			ART UNIT	PAPER NUMBER
			3653	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/807,933

Applicant(s)

GABL, HELMUTH

Examiner

Joseph C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the toothed profile and iris diaphragm must be shown or the features canceled from claims 11 and 20. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Here, it is unclear how the ring (13) functions as a deflaking unit. Examiner requests clarification and, in the interim, has interpreted the deflaking unit as set forth below.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the deflaking unit". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergdahl et al. ("Bergdahl 1")(US 6,290,067).

Regarding claims 1-3, 6-8,13-14, Bergdahl 1 (Fig. 1-3) teaches a screen for cleaning a fiber suspension, the screen having

at least one separation unit comprising:

a housing (2);

a substantially parabolic rotor (7) disposed within the housing, the rotor having a running direction and extending axially from an area of minimum rotor diameter to an area of maximum rotor diameter (Fig. 1);

a screen basket (4) disposed between the housing and the rotor;

an accept chamber (6) disposed between the screen basket and the housing;

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a reject outlet (11) disposed adjacent the area of maximum rotor diameter; and at least one inlet (18) for dilution water, the at least one inlet being located adjacent the reject outlet, wherein the at least one inlet is mounted on the housing, the at least one inlet is mounted on the rotor and fed through a pipe mounted inside the rotor (Fig. 1);

the at least one separation unit further comprises at least one device (8) for interrupting axial flow disposed adjacent the area of maximum rotor diameter, the at least one device for interrupting axial flow is indirectly mounted to the housing via the rotor. Alternatively, the wing elements (8) can be regarded as the deflaking unit.

Regarding claims 4, 5, Bergdahl teaches the dilution liquid being fed towards the rotor (in conduit 18) and then in multiple directions away from the rotor (Fig. 2, 3), thus the dilution water can be regarded as in and opposite to the "running direction" of the rotor.

### ***Claim Rejections - 35 USC § 103.***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergdahl et al. ("Bergdahl 1")(US 6,290,067) in view of Bergdahl et al. ("Bergdahl 2")(US 6,170,769).

Bergdahl 1 as set forth above teaches all that is claimed except for expressly teaching the at least one device for interrupting axial flow comprising at least one adjustable axial flow interruption ring. Bergdahl 2, however, teaches this type of ring (Fig. 2, col. 3, ln. 64-col. 4, ln. 37). Moreover, Bergdahl 2 teaches that this type of ring regulates the amount of fibres and thus the quality of the accept fraction (Id.). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Bergdahl 1 as taught above.

Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergdahl et al. ("Bergdahl 1")(US 6,290,067) in view of Bergdahl et al. ("Bergdahl 2")(US 6,170,769) as applied to the claims above, and further in view of Applicant's Admitted Prior Art and legal precedent.

Bergdahl 1 and 2 as set forth above teach all that is claimed except for expressly teaching a plurality of separation units. Applicant (p. 2 ,ln. 15), however, already teaches that it is well known to design screens as multistage units. Further, legal precedent also establishes that it is well known to duplicate a feature already taught in the prior art. See MPEP 2144.04. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Bergdahl 1 and 2 as taught above.

Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergdahl et al. ("Bergdahl 1")(US 6,290,067) in view of Bergdahl et al. ("Bergdahl

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2")(US 6,170,769) as applied to the claims above, and further in view of Doelle et al.

("Doelle")(US 6,571,957) .

Bergdahl 1 and 2 as set forth above teach all that is claimed except for expressly teaching the at least one flow interruption ring includes an outer diameter having a toothed profile, wherein the at least one flow interruption ring is an iris diaphragm.

Doelle, however, teaches a flow interruption ring with a toothed profile that is shaped as an iris diaphragm (Fig. 3-5). Moreover, Doelle teaches this ring structure is useful in defibreing the pulp suspension (Abstract). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Bergdahl 1 and 2 as taught above.

### ***Conclusion***

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST). The Supervisory Examiner is Patrick Mackey, **571-272-6916**.

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.



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Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

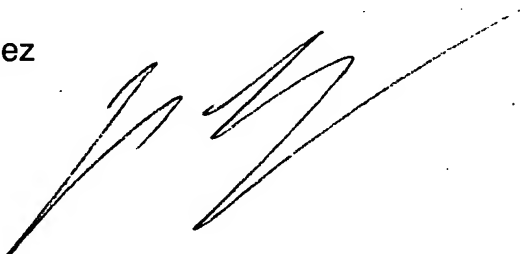
Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Signed by Examiner Joseph Rodriguez

Jcr

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December 17, 2006

A handwritten signature in black ink, appearing to be 'JR' with a long, sweeping horizontal line extending to the right.